

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

ITT-321-A

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and

joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 6,257,281, granted July 10, 2001, and for which a

reissue patent is sought on the invention entitled MULTI-LAYER TUBING HAVING AT LEAST

ONE INTERMEDIATE LAYER FORMED FROM A POLYAMIDE ALLOY

the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____

and was amended on _____

(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in

37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

We believe the original patent to be wholly or partly inoperative or invalid by reason of, *inter alia*, the patentee claiming less than it had a right to claim in the patent. Specifically, independent claim 1, in the '281 patent as issued, incorrectly recited that "the thermoplastic material of the second layer contains at least one fluoroplastic constituent which is chemically dissimilar from the thermoplastic material of the *third* layer...." (*Emphasis added.*) Claim 1 should read that "the thermoplastic material of the second layer contains at least one fluoroplastic constituent which is chemically dissimilar from the thermoplastic material of the *first* layer...." Claim 1 of the '281 patent was examined on the basis of the incorrect claim language and, on the basis of a Section 103 rejection thereto, was amended to recite that "the elongated multi-layer tube has a hydrocarbon permeation level below about 0.5 g/m² per 24 hour interval." Because the patentee believes that claim 1, properly corrected to recite that "the thermoplastic material of the second layer contains at least one fluoroplastic constituent which is chemically dissimilar from the thermoplastic material of the *first* layer....", patentably defines over the prior art in view of which claim 1 was amended to overcome the obviousness rejection without such amendment, the patentee proposes to eliminate from claim 1 the aforesaid recitation of the specified hydrocarbon permeation level.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

ITT-321-A

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Registration Number

Andrew R. Basile 24,753

Christopher A. Mitchell 40,729

Todd R. Moore 36,874

Marshall G. MacFarlane 30,403

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

Type Customer Number here

Place Customer Number Bar
Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Christopher A. Mitchell		
Address	YOUNG & BASILE, P.C.		
Address	3001 West Big Beaver Road, Suite 624		
City	Troy	State	MI Zip 48084-3107
Country	USA		
Telephone	734/662-0270	Fax	734/662-1014
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name) TAO NIE			
Inventor's signature		Date	
Residence Macomb, Michigan		Citizenship China	
Mailing Address 15618 Hemlock Dr., Macomb, Michigan			
Full name of second joint inventor (given name, family name) DUANE PONTBRIAND			
Inventor's signature		Date	
Residence Metamora, Michigan		Citizenship USA	
Mailing Address 2050 Miller, Metamora, Michigan			
Full name of third joint inventor (given name, family name) DAVID BENSKO			
Inventor's signature		Date	
Residence Oscoda, Michigan		Citizenship USA	
Mailing Address 425 4th St., Oscoda, Michigan			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number 6,257,281

Filing Date 2-13-98

First Named Inventor Nie

Title Multi-Layer Tubing Having At
Least One Intermediate Layer Formed From A
Polyamide Alloy

Art Unit

Examiner Name

Attorney Docket Number ITT-321-A

I hereby appoint:

☐ Practitioners at Customer Number

OR

☒ Practitioner(s) named below:

Name	Registration Number
Andrew R. Basile	24,753
Christopher A. Mitchell	40,729
Todd L. Moore	36,871
Marshall G. MacFarlane	30,403

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number.

OR

☒ Firm or Individual Name Christopher A. Mitchell

Address YOUNG & BASILE, P.C.

Address 3001 West Big Beaver Road, Suite 624

City Troy State MI Zip 48084-3107

Country USA

Telephone 734/662-0270 Fax 734/662-1014

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

Name ITT Manufacturing Enterprises, Inc. By: Rhonda Coogan, Asst. Secretary

Signature

Date

Telephone

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) ITT-321-A
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) ITT MANUFACTURING ENTERPRISES, INC.		
Patent Number 6,257,281	Date Patent Issued July 10, 2001	
Title of Invention MULTI-LAYER TUBING HAVING AT LEAST ONE INTERMEDIATE LAYER FORMED FROM A POLYAMIDE ALLOY		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee(s) owning an undivided interest in said original patent is/are <u>ITT MANUFACTURING</u> , and the assignee(s) consents to the accompanying application for reissue. ENTERPRISES, INC.		
Name of assignee/inventor (if not assigned) ITT MANUFACTURING ENTERPRISES, INC.		
Signature	Date	
Typed or printed name and title of person signing for assignee (if assigned) Rhonda Coogan Assistant Secretary		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT		Docket Number (Optional) ITT-321-A
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s): ITT MANUFACTURING ENTERPRISES, INC.		
Patent Number 6,257,281	Date Patent Issued July 10, 2001	
Title of Invention MULTI-LAYER TUBING HAVING AT LEAST ONE INTERMEDIATE LAYER FORMED FROM A POLYAMIDE ALLOY		
<p><u>ITT Manufacturing / Enterprises, Inc.</u> is the assignee of the entire interest in the original patent.</p> <p>I offer to surrender the original patent.</p> <p><input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.</p> <p>I am authorized to act on behalf of the assignee.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p>		
Name of assignee ITT Manufacturing Enterprises, Inc.		
Signature of person signing for assignee	Date	
Typed or printed name and title of person signing for assignee Rhonda Coogan Assistant Secretary		

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ITT Manufacturing Enterprises, Inc.
 Application No./Patent No.: 6,257,281 Filed/Issue Date: 7-10-01
 Entitled: MULTI-LAYER TUBING HAVING AT LEAST ONE INTERMEDIATE LAYER
FORMED FROM A POLYAMIDE ALLOY
ITT Manufacturing Enter/, a Delaware Corporation
 (Name of Assignee) prises, Inc (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by, percentage) of its ownership interest is _____ %
 in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 009028, Frame 0286, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
 3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

 Date

Rhonda Coogan

 Typed or printed name

 Signature

Assistant Secretary

 Title